

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY LLC, and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

MOTOROLA MOBILITY LLC, and  
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

CASE NO. C10-1823-JLR

ORDER DIRECTING ENTRY OF  
FINAL JUDGMENT ON FINAL  
CLAIMS PURSUANT TO RULE 54(b)  
[PROPOSED]

**NOTED ON MOTION CALENDAR:  
Friday, October 18, 2013**

ORDER DIRECTING ENTRY OF FINAL JUDGMENT ON  
FINAL CLAIMS PURSUANT TO RULE 54(b)  
CASE NO. C10-1823-JLR

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Pursuant to Rule 54(b), Plaintiff Microsoft Corporation (“Microsoft”) has filed a motion for entry of final judgment. Having reviewed the pleadings and evidence presented and on file in this case, and the Court being fully advised as to the issues presented, Microsoft’s motion for entry of final judgment is GRANTED, with modifications. The Court finds that it has finally adjudicated Microsoft’s four asserted claims and Motorola’s two counterclaims in the breach of contract case, as well as Motorola’s two RAND-based counterclaims in the original ’699 case and Microsoft’s four RAND-based counterclaims in the original ’699 case. The following claims are final:

- Microsoft’s claims for breach of contract, promissory estoppel, and waiver, and Microsoft’s claim for declaratory judgment. Dkt. 53.
- Motorola’s counterclaims for declaratory judgment that Motorola has not breached any of its RAND obligations and for declaratory judgment that Microsoft has repudiated and/or rejected the benefits of Motorola’s RAND statements and that Motorola is entitled to seek an injunction against Microsoft on the Motorola patents at issue. Dkt. 192.
- Microsoft’s counterclaim for breach of contract, promissory estoppel, and waiver, and Microsoft’s claim for declaratory judgment. Wis. Dkt. 37.
- Motorola’s counterclaims for declaratory judgment that Motorola has not breached any of its RAND obligations and for declaratory judgment that Microsoft has repudiated and/or rejected the benefits of Motorola’s RAND statements and that Motorola is entitled to seek an injunction against Microsoft on the Motorola patents at issue. Dkt. 67.

There is no just reason for delay with respect to the appeal of these claims. The entry of partial final judgment would promote judicial efficiency and economy.

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
THE HONORABLE JAMES L. ROBERT  
UNITED STATES DISTRICT COURT JUDGE

***Presented by:***

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